

# INDUSTRIAL TRAINING.

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No. 95 of 1975.

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**AN ACT to amend and consolidate the law relating to apprentices, to make provision for the industrial training of other persons, to repeal the Apprentices Act, 1918 and certain provisions of the Industrial Arbitration Act, 1912, and for incidental and other purposes.**

*[Assented to 20th November, 1975.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I.—GENERAL.

1. This Act may be cited as the *Industrial Training Act, 1975.* Short title.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Arrange-  
ment.

3. This Act is divided into Parts as follows—

PART I.—GENERAL.

PART II.—INDUSTRIAL TRAINING ADVISORY COUNCIL AND INDUSTRIAL TRAINING ADVISORY BOARDS.

PART III.—DIRECTOR OF INDUSTRIAL TRAINING AND DIVISION OF INDUSTRIAL TRAINING.

PART IV.—INDUSTRIAL TRAINING IN TRADES AND INDUSTRIAL TRAINING ADVISORY BOARDS.

PART V.—EMPLOYMENT AND TRAINING OF APPRENTICES AND INDUSTRIAL TRAINEES.

PART VI.—MISCELLANEOUS.

Interpreta-  
tion.

4. (1) In this Act unless the contrary intention appears—

“apprentice” means any person pursuant to this Act bound apprentice to an employer or an industrial training advisory board in an apprenticeship trade by an agreement or by assignment of an agreement;

“apprenticeship agreement” means an agreement under which a person is bound as an apprentice;

“apprenticeship trade” means a trade prescribed as an apprenticeship trade under this Act;

“Chairman” means the Chairman of the Council;

“Commission” means The Western Australian Industrial Commission established under the Industrial Arbitration Act, 1912;

“Council” means the Industrial Training Advisory Council established under this Act;

“Department” means the department of the Public Service of the State known as the Department of Labour and Industry or if there is no department of that name the department that is responsible for assisting the Minister in the administration of this Act;

“Director” means the person for the time being holding or acting in the office of Director of Industrial Training under this Act;

“Division” means the Division of Industrial Training established under this Act;

“industrial training advisory board” means an industrial training advisory board appointed under this Act;

“industrial trainee” means a person, other than an apprentice, who undertakes a course of training in an industrial training trade;

“industrial training agreement” means an agreement under which a person undertakes a course of training in an industrial training trade;

“industrial training trade” means a trade that is prescribed as an industrial training trade under this Act;

“member” in relation to—

(a) the Council, means a member of the Council and includes the Chairman;

(b) an industrial training advisory board, means a member of that industrial training advisory board and includes the chairman thereof;

“Registrar” means the Registrar of Industrial Training appointed under this Act;

“section” means a section of this Act;

“trade” includes occupation and any branch or branches of a trade or occupation.

(2) A reference in a provision of this Act to "the board" is a reference to the industrial training advisory board appointed in relation to the apprenticeship trade or industrial training trade in question.

Repeals  
and  
savings.

5. (1) The Apprentices Act, 1918 and the following provisions of the Industrial Arbitration Act, 1912, that is to say—

(a) subparagraphs (iii), (v), (vi), (viii), (ix) and (x) of paragraph (f) of the definition "industrial matter" in section 6 of that Act; and

(b) the whole of Part VIII of that Act,

are hereby repealed.

(2) Without affecting the application of the Interpretation Act, 1918, and particularly sections 15 and 16 thereof to the repeal by subsection (1) of this section of the provisions referred to in that subsection it is hereby declared that—

(a) any industrial agreement, award or order in force under the Industrial Arbitration Act, 1912, or any provision thereof, that relates to the training of apprentices and in force immediately before the coming into operation of this Act shall continue and have effect to the extent that it is not inconsistent with the provisions of this Act or the regulations made under this Act;

(b) subject to section 6, any apprenticeship agreement in force under the provisions of the Industrial Arbitration Act, 1912 as in force immediately before the coming into operation of this Act shall continue to have effect; and

(c) until regulations are made under this Act, the regulations made under the Industrial Arbitration Act, 1912 relating to apprentices and apprenticeships and in force at

the time that this Act comes into operation, shall apply, so far as applicable, to persons, acts, circumstances and things under this Act, as if those regulations were made under this Act.

6. Where the parties thereto with the approval of the Director agree, an apprenticeship agreement in force under the provisions of the Industrial Arbitration Act, 1912, may be varied or replaced by a new apprenticeship agreement under this Act but any agreement so substituted shall be notified to the Registrar.

Existing apprenticeship agreements may be varied.

7. Subject to the Minister, this Act shall be administered by the permanent head of the Department.

Administration.

PART II.—INDUSTRIAL TRAINING ADVISORY  
COUNCIL AND INDUSTRIAL TRAINING  
ADVISORY BOARDS.

8. For the purposes of this Act, there shall be established a council to be known as the "Industrial Training Advisory Council".

Industrial Training Advisory Council.

9. (1) Subject to this section, the Council shall consist of seven members appointed by the Governor on the nomination of the Minister, of whom—

Composition of Council.

- (a) one shall be a person who is an officer of the Department, who shall be the Chairman;
- (b) two shall be persons selected for appointment by the Minister from a panel of names submitted by the body known as The Confederation of Western Australian Industry (Incorporated);

- (c) two shall be persons selected for appointment by the Minister from a panel of names submitted by the body known as the Trades and Labor Council of Western Australia;
- (d) one shall be a person from the Technical Education Division of the Education Department selected by the Minister with the approval of the Director-General of Education;
- (e) one shall be a person holding a position with managerial responsibility in a State instrumentality selected by the Minister with the approval of the Minister administering the Act under which that instrumentality is established or under which it is conducted.

(2) Prior to the first occasion on which an appointment is to be made to an office of member referred to in paragraph (b) or (c) of subsection (1) of this section and on each occasion thereafter when that office becomes vacant by the effluxion of time, the Minister shall, in writing, request the body referred to in the appropriate paragraph to submit to him, in writing, a panel containing the names of not fewer than four persons willing to act as members of the Council.

(3) Where a body has been requested, pursuant to subsection (2) of this section, to submit a panel of not fewer than four names to the Minister, the Minister—

- (a) shall, if such a panel is submitted to him within twenty-one days of the body receiving the request, nominate two of the persons whose names appear on the panel for appointment to the office of member; and
- (b) may, if default is made within that time in submitting such a panel to him, nominate for appointment to the office of member such persons as he thinks fit.

## 10. (1) Subject to this section—

Terms of  
appoint-  
ment.

- (a) a person who is appointed Chairman shall hold office at the pleasure of the Minister for a term of not more than three years;
- (b) a person who is appointed a member, other than as Chairman, shall hold office for such period, not exceeding three years, as is specified in the instrument of his appointment.

## (2) If a member of the Council other than the Chairman—

- (a) is an undischarged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (b) becomes permanently incapable of performing his duties as a member;
- (c) resigns his office by writing under his hand addressed to the Governor; or
- (d) absents himself, except on leave duly granted by the Minister, from three consecutive meetings of the Council,

the office of that member becomes vacant.

(3) Where the office of a member has become vacant otherwise than by effluxion of time the Governor may appoint a person to the vacant office for the unexpired part of the term of the office which so became vacant.

(4) The Governor may appoint a person to be a deputy of a member and may terminate such an appointment at any time.

(5) A person appointed to be the deputy of a member is, in the event of the absence from a meeting of the Council of the member of whom he

is the deputy, entitled to attend that meeting and, when so attending, has all the powers, functions and duties of a member.

Meetings  
of the  
Council.

11. (1) The Council shall hold meetings at such times and places as are necessary to enable it to discharge its functions and duties under this Act.

(2) The Minister may at any time direct the Chairman to convene a meeting of the Council, and effect shall be given to that direction.

(3) The Chairman shall preside at all meetings of the Council at which he is present, and his deputy shall preside at all meetings at which he, but not the Chairman, is present, but where neither the Chairman nor his deputy is present at a meeting of the Council, the members present shall appoint one of their number present to act as chairman at the meeting.

(4) At a meeting of the Council four members constitute a quorum.

(5) Subject to subsection (6) of this section, any question arising at a meeting of the Council shall be decided by a majority of the votes of the members present and voting.

(6) At a meeting of the Council the Chairman or any person acting as chairman shall not have a deliberative vote but in the event of an equality of votes at the meeting shall have a casting vote.

(7) The Council shall cause accurate minutes to be kept of the proceedings at its meetings.

Validity of  
acts of  
Council.

12. No act or proceeding of the Council shall be invalid on the ground only of any vacancy in the office of member of the Council or of any defect in the appointment of any member of the Council or in the appointment of any deputy member of the Council.



13. A member of the Council who necessarily incurs expense or loss of earnings in or in consequence of travelling to or attending a meeting of the Council is entitled to receive by way of reimbursement the amount of the expenses and the loss so incurred.

Reimbursement of members.

14. (1) The person who holds the office of Director shall be the executive officer of the Council.

Executive Officer of the Council.

(2) The Director as executive officer of the Council shall have such powers and duties as are conferred on him by this Act and as are, subject to the direction of the Minister, conferred on him or directed to be performed by him by the Council.

(3) With the approval of the Minister and of the Public Service Board, the Council may make use of the services of any person employed in the Public Service of the State.

15. The functions of the Council are—

Functions of the Council.

- (a) to advise the Minister on such matters affecting industrial training and the persons undertaking industrial training as he may refer to it or as it considers necessary;
- (b) to co-operate and collaborate with organisations of employers and employees and with authorities and bodies in the State which provide courses of industrial training;
- (c) to co-operate where possible with bodies and authorities elsewhere that have functions relating to industrial training matters; and
- (d) to carry out such other functions as may be prescribed.

Duties  
of the  
Council.

16. The Council shall—

- (a) appoint industrial training advisory boards for the purposes of this Act;
- (b) make recommendations to the Minister as to the regulations to be made under this Act;
- (c) make recommendations to the Minister as to the period of apprenticeship or industrial training to be prescribed in respect of a trade; and
- (d) promote apprenticeships and industrial training through scholarships, prizes and travel in such manner as is likely to increase the number of skilled workers.

PART III.—DIRECTOR OF INDUSTRIAL TRAINING  
AND DIVISION OF INDUSTRIAL TRAINING.

Director of  
Industrial  
Training.

17. (1) Subject to this section, there shall be appointed a Director of Industrial Training and such other officers as are necessary to assist the Director in carrying out his functions under this Act.

(2) The Director may be appointed—

- (a) by the Governor for a term not exceeding seven years; or
- (b) under and subject to the Public Service Act, 1904.

(3) Where the Director is appointed by the Governor for a term of years—

- (a) the conditions of service of the Director shall be such as the Governor determines;
- (b) the Director shall be paid such remuneration and allowances as the Governor may, from time to time, determine;

- (c) the Director may be re-appointed from time to time at the expiration of the term, unless he has been previously removed from office by the Governor under paragraph (d) of this subsection;
- (d) the Director may, at any time, be removed from office by the Governor for disability, bankruptcy, neglect of duty or misconduct; and
- (e) the Director may at any time resign from his office by writing under his hand addressed to the Governor.

(4) The officers appointed under subsection (1) of this section to assist the Director shall be appointed under and subject to the Public Service Act, 1904 or by the Minister.

18. (1) There shall be established in the Department a division to be known as the Division of Industrial Training.

Division of  
Industrial  
Training.

(2) The Division shall consist of the Director and the officers for the time being holding office who are appointed to assist him.

(3) The functions of the Division are to perform such duties and responsibilities with respect to industrial training as are required under this Act.

19. (1) There shall be appointed in the Division and under and subject to the Public Service Act, 1904, a Registrar of Industrial Training.

Registrar.

(2) The Registrar shall have such duties and functions as are conferred on him by this Act, and as are conferred on him or directed to be performed by him by the Director.

Register.

20. (1) The Registrar shall—

- (a) maintain a Register of Apprentices and a Register of Industrial Trainees;
- (b) make provision for the examination and testing of apprentices and industrial trainees in accordance with the regulations.

(2) The Register of Apprentices and the Register of Industrial Trainees shall be in the form approved by the Director.

(3) A register referred to in this section, and any certified copy of or extract from such a register, shall be *prima facie* evidence of the facts stated therein.

(4) A certificate that any person is or is not or was or was not registered as an apprentice or industrial trainee as the case requires under this Act shall, if signed by the Registrar, be *prima facie* evidence of the facts stated therein.

#### PART IV.—INDUSTRIAL TRAINING IN TRADES AND INDUSTRIAL TRAINING ADVISORY BOARDS.

Council to recommend trades to be prescribed.

21. The Governor may, on the recommendation of the Council, by regulation prescribe a trade or a group of trades as an apprenticeship trade or industrial training trade, or as both an apprenticeship trade and an industrial training trade, for the purposes of this Act.

Act to apply to prescribed trade.

22. The provisions of this Act apply to training in any trade or group of trades so long as the regulation prescribing that trade or group of trades as—

- (a) an apprenticeship trade; or
  - (b) an industrial training trade,
- or both, as the case may be, remains in force.

23. (1) Before making a recommendation under section 21 with respect to a trade or a group of trades the Council may appoint an interim industrial training advisory board for the purpose of advising the Council with respect to training in that trade or group of trades.

Interim  
industrial  
training.

(2) The provisions of this Act relating to an industrial training advisory board apply to an interim industrial training advisory board with such modifications as are necessary, as if it were an industrial training advisory board.

(3) An interim industrial training advisory board appointed in relation to any particular trade or group of trades shall cease to function on the day that an industrial training advisory board is appointed in respect of that trade or group of trades under section 25.

24. An agreement with respect to training in a trade that is prescribed under this Act as an apprenticeship trade or an industrial training trade shall if it is in force on the date that that trade is so prescribed be lodged for registration with the Registrar within one month of that date.

Agreements  
to be  
registered.

25. (1) Where a trade or a group of trades is prescribed as an apprenticeship trade or an industrial training trade the Council—

Industrial  
training  
advisory  
boards.

(a) shall appoint an industrial training advisory board in respect of that trade or group of trades; and

(b) may terminate the appointment of any industrial training advisory board or any member thereof.

(2) An industrial training advisory board shall consist of the following members—

(a) an officer of the Department who shall be chairman;

- (b) a number of persons determined by the Council who shall represent equally the bodies known as The Confederation of Western Australian Industry (Incorporated) and the Trades and Labor Council of Western Australia and shall be nominated by their respective bodies;
- (c) a person representing the Technical Education Division of the Education Department; and
- (d) where the Minister so directs, a person representing a government instrumentality that employs persons engaged in the trade in respect of which the industrial training advisory board is appointed.

(3) At a meeting of an industrial training advisory board—

- (a) two members, not being members appointed under paragraph (c) or (d) of subsection (2) of this section, and not being members appointed to represent the same body, constitute a quorum;
- (b) subject to paragraph (c) of this subsection, only the members appointed under paragraph (b) of subsection (2) of this section who are present at the meeting are entitled to vote;
- (c) any question shall be decided by the majority of the votes cast, but in the event of the votes cast being equal on any question the Chairman shall have a casting vote.

(4) A member of an industrial training advisory board who necessarily incurs expense or loss in or in consequence of travelling to or attending a meeting of an industrial training advisory board is entitled to receive by way of reimbursement the amount of the expenses and loss so incurred.

(5) The Council may, in respect of an industrial training advisory board or of a meeting of an industrial training advisory board, co-opt the services of such additional persons as it thinks necessary, but a person so appointed is not entitled to vote at a meeting of that board.

(6) A member appointed to an industrial training advisory board pursuant to subsection (5) of this section is entitled to the same reimbursement as an ordinary member of the board.

(7) An industrial training advisory board shall perform such functions as are directed by the Council and such other functions as are prescribed.

26. (1) In this section—

Special  
trades.

“special trade” means the building trade and such other trade or trades as may be prescribed as special trades.

(2) The provisions of this Act apply to a special trade subject to the modifications effected by this section.

(3) In relation to a special trade—

(a) the trade may be defined by regulation and the regulation defining the trade may include in the definition a single trade or a group of trades;

(b) a person shall not be employed as an apprentice or industrial trainee in the trade otherwise than as prescribed by this section and the regulations made for the purposes of this section;

(c) a person who is indentured as an apprentice or industrial trainee in the trade shall be indentured in the form prescribed for the purposes of this section;

- (d) if a person who is indentured as an apprentice or industrial trainee under this section has before becoming so indentured already served some period as an apprentice or industrial trainee in the trade (including service with the parent of the apprentice or industrial trainee) such period of service shall be taken into consideration in fixing the period of apprenticeship or industrial training to be served under the agreement;
- (e) every apprentice or industrial trainee shall be indentured to the industrial training advisory board appointed in relation to that trade and shall be placed from time to time with an employer under an agreement of apprenticeship or industrial training, as the case requires, between the board, the apprentice or industrial trainee and the employer, but by force of this section the power is reserved to the industrial training advisory board to abrogate any agreement and to transfer the agreement from one employer to another.

(4) A member of an industrial training advisory board is not personally liable under this Act or any law or under any agreement of apprenticeship or industrial training to which this section applies in any action or proceeding brought by any other party to the agreement.

(5) Any agreement entered into by an industrial training advisory board pursuant to this section shall be signed by the Director for and on behalf of the board appointed in relation to the trade to which the agreement relates.

(6) The provisions of section 25 apply with respect to an industrial training advisory board appointed for the purposes of this section as if the industrial training advisory board were appointed under that section.



(7) If at the time of the coming into operation of this section an apprentice is indentured to the Apprenticeship Board pursuant to the provisions of section 128 of the Industrial Arbitration Act, 1912 as in force immediately before the coming into operation of this section the apprentice shall by force of this section and without further assignment be deemed to be indentured to the industrial training advisory board appointed in relation to the trade in which he is apprenticed and anything required to be done by the Apprenticeship Board under the provisions of the apprenticeship agreement may be done by the Director for or on behalf of the industrial training advisory board.

27. If at the time that a trade or group of trades is prescribed under section 21 the Council has not appointed an industrial training advisory board in relation thereto the Council shall, whether or not the regulations prescribing that trade have taken effect, at its next meeting after the publication of the regulations in the *Government Gazette* appoint an industrial training advisory board in respect of that trade or group of trades.

Duty of Council to appoint industrial training advisory board.

PART V.—EMPLOYMENT AND TRAINING OF APPRENTICES AND INDUSTRIAL TRAINEES.

28. (1) Where a provision of—

- (a) this Act;
- (b) any regulation made under this Act;
- (c) an agreement registered under this Act or any provision of the Industrial Arbitration Act, 1912;
- (d) an award or industrial agreement in force under that Act,

Inconsistency.

is inconsistent with the law relating to masters and apprentices as declared by the Imperial Acts (Masters and Servants) Adopting Act, 1873 the first-mentioned provision prevails.

37 Victoriae No. 12.

(2) Where a provision of this Act or of any regulation made under this Act relates—

- (a) to the name given to a trade or group of trades to which this Act applies;
- (b) to the training to be given under an apprenticeship or course of industrial training to which this Act applies;
- (c) to the registration, cancellation, suspension, extension or transfer of an apprenticeship agreement or industrial training agreement; or
- (d) to the term of training to be given to an apprentice or industrial trainee,

and is inconsistent with the provisions of the Industrial Arbitration Act, 1912, or any award or industrial agreement in force thereunder, the first-mentioned provision prevails.

Employment on probation.

29. Except as provided by this Act, a person who desires to be employed as an apprentice or industrial trainee in a trade to which this Act applies shall be employed in the first instance on probation for a period of three months for the purpose of determining his fitness to be so employed, and in the event of his becoming an apprentice or industrial trainee in that trade the period of probation shall be counted as service under his apprenticeship agreement or industrial training agreement.

General provisions as to agreements.

30. The following provisions apply with respect to every apprenticeship agreement and every industrial training agreement—

- (a) the term of the apprenticeship or period of industrial training shall be as prescribed;
- (b) the agreement shall be in the prescribed form;

- (c) except as otherwise provided by this Act, the parties to the agreement shall be the employer, the apprentice or industrial trainee and the parent or guardian of the apprentice or industrial trainee but if the Director is satisfied that it is in the interest of the employer and the apprentice or industrial trainee the Director may by endorsement on the agreement consent to it being executed only by the employer and the apprentice or industrial trainee;
- (d) the agreement shall not be deemed to be invalid by reason only of not being under seal;
- (e) the agreement duly executed shall be lodged with the Registrar for registration as required by this Act and the Registrar shall retain the agreement during the term of the agreement;
- (f) three copies of the agreement as executed shall be prepared by the Division, one of which shall be given to the employer and one to the apprentice or industrial trainee and one to the parent or guardian.

31. (1) Subject to the provisions of section 32, a person shall be deemed not to be employed as an apprentice or industrial trainee in a trade to which this Act applies unless the apprenticeship or industrial training agreement entered into by that person is registered as required under this Act.

Registra-  
tion.

(2) Application for the registration of an agreement shall be made to the Registrar within fourteen days of the execution of the agreement.

32. Service under an apprenticeship or industrial training agreement commences on the day that the apprentice or industrial trainee commences employment as such.

Commence-  
ment of  
service.

Apprentice,  
industrial  
trainee to  
attend  
classes, etc.

33. Every apprentice or industrial trainee shall attend such classes or undertake such training, or both, as are prescribed in relation to the trade with respect to which he is being trained.

Transfer  
of employ-  
ment.

34. (1) Where all parties agree, the employment of an apprentice or industrial trainee may be transferred from one employer to another employer.

(2) Where any party to a proposed transfer of the employment of an apprentice or industrial trainee from one employer to another is not willing to consent to enter into a formal assignment the Commission may authorize the transfer.

(3) Where the transfer of the employment of an apprentice or industrial trainee from one employer to another and the assignment of the apprenticeship or industrial training agreement is authorized by the Commission, and the employment of that apprentice or industrial trainee is transferred from the first to the second employer but an assignment is not executed within one month after the apprentice or industrial trainee is transferred, the Director may execute an assignment on behalf of the party in default, and any such person shall thereupon for the purposes of this Act be deemed to have made and accepted the assignment.

(4) Without affecting the generality of any provision of this Act relating to the cancellation of an apprenticeship agreement or industrial training agreement, in any case where—

- (a) an employer is unable by reason of cessation of business or financial difficulties to provide sufficient employment and training for an apprentice or industrial trainee; and
- (b) a transfer of the employment of the apprentice or industrial trainee to another employer in accordance with the provisions of this Act is for any reason impossible or impracticable,

the Commission, upon application made in that behalf by the employer, may, if satisfied after due inquiry that the circumstances require such action, order that the apprenticeship agreement or industrial training agreement—

(c) be suspended for such period as the Commission thinks fit; or

(d) be cancelled.

(5) A transfer of employment in accordance with this section shall be registered with the Registrar.

35. (1) Where a person is bound by an apprenticeship agreement or industrial training agreement to partners the agreement shall not be determined by reason only of the death or retirement of any partner, but shall be deemed to be assigned to the surviving or continuing partners.

Agreements not to be determined by death, retirement or sale of business.

(2) Except where the Commission otherwise determines, upon the sale of the business of any employer or any part of a business the apprenticeship agreement or industrial training agreement of any apprentice or industrial trainee which may form part of the business sold shall be deemed to be assigned to the purchaser of the business.

36. (1) In this section—

“law of the Commonwealth” means a law of the Commonwealth relating to the re-employment of persons who have been engaged in the defence forces of the Commonwealth.

Apprentices and industrial trainees in defence forces.

(2) Where—

(a) an apprenticeship or industrial training agreement is suspended by the operation of a law of the Commonwealth; or

(b) an apprentice or industrial trainee is re-employed pursuant to a law of the Commonwealth,

and an industrial agreement or award under the Industrial Arbitration Act, 1912 prescribes the number of or proportion of apprentices or industrial trainees to other workers in calculating the number or proportion so prescribed—

- (c) an apprentice or industrial trainee whose apprenticeship or industrial training agreement is so suspended; and
- (d) an apprentice or industrial trainee so re-employed,

shall be excluded.

Differences  
over agree-  
ments to be  
decided by  
Director.

37. (1) No apprentice or industrial trainee shall be discharged from employment by an employer for alleged misconduct unless the parties to the relevant apprenticeship agreement or industrial training agreement consent to the dismissal or the agreement is cancelled by order of the Commission on the application of the employer.

(2) For the purposes of subsection (1) of this section the Commission may suspend the operation of the agreement instead of cancelling the agreement, but any period of service during which the agreement is so suspended shall not be counted as service for the purposes of the agreement.

#### PART VI.—MISCELLANEOUS.

Instruments  
not  
dutiable.

38. No duty shall be payable upon or in respect of any registration, certificate, agreement or instrument effected, issued or made under this Act.

No  
premiums.

39. (1) A person who, whether directly or indirectly, demands or receives any premium, fee, gift or reward for—

- (a) taking an apprentice or industrial trainee in a trade; or

- (b) inducing or attempting to induce any other person to take an apprentice or industrial trainee in a trade,

commits an offence.

(2) A person who pays or gives any such premium, fee, gift or reward may recover the same in any court of competent jurisdiction from the person who received the same.

40. A person who commits an offence against this Act is liable to a penalty of two hundred dollars. Penalty.

41. (1) Before the first day of October in each year the Chairman of the Council shall make a written report to the Minister as to the administration and operation of this Act. Annual report.

(2) The Minister shall lay the report of the Chairman of the Council before each House of Parliament within nine sitting days of the House after the receipt of the report by the Minister.

42. (1) The Governor, on the recommendation of the Council, may make such regulations as are necessary or expedient for the purposes of giving effect to the provisions or objects of this Act. Regulations.

(2) Without limiting the generality of the provisions of subsection (1) of this section, the regulations may—

- (a) provide for the registration of apprentices and industrial trainees;
- (b) prescribe trades as apprenticeship trades or industrial training trades for the purposes of this Act;
- (c) prescribe the training to be undertaken by apprentices and industrial trainees;

- (d) prescribe the hours of attendance at training classes conducted by such bodies as may be prescribed;
- (e) prescribe the examinations to be passed in relation to a trade to which this Act applies and payments to examiners;
- (f) provide for the extension, variation, suspension and cancellation of apprenticeship or industrial training agreements;
- (g) provide for the transfer of apprenticeship and industrial training agreements;
- (h) prescribe forms of final certificate to be issued in respect of the completion of an apprenticeship or industrial training;
- (i) prescribe the conditions for prizes and scholarships under this Act;
- (j) prescribe penalties, not exceeding fifty dollars, in respect of a contravention of the regulations.

(3) Regulations made under this Act may be general or of limited application and may discriminate according to apprenticeships or classes of apprenticeship and according to courses of industrial training or classes of courses of industrial training.

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